



CITY OF DOVER

## DOVER PLANNING BOARD - MINUTES

Meeting Type: Regular Meeting  
Meeting Location: Council Chambers – 288 Central Avenue, Dover, NH 03820  
Meeting Date: Tuesday, February 12, 2008  
Meeting Time: 7:00 pm

**REGULAR MEMBERS PRESENT:** Ron Cole, Marcia Colbath, Dean Trefethen, Frank Torr, Donald Andolina, Doug Steele, Perry Plummer, Tony McManus,

**REGULAR MEMBERS ABSENT:** John Swartzendruber

**ALTERNATE MEMBERS PRESENT:** Linda Merullo

**ALTERNATE MEMBERS ABSENT:** Kirt Schumann, Ron Stock

**STAFF PRESENT:** Christopher Parker, Planning Director, and Jacqueline Pease, Recording Secretary

Chairman Ron Cole brought the meeting to order at 7:04 pm.

Linda Merullo sat in for John Swartzendruber.

Chairman Cole announced that anyone present for item **a. under Old Business: Site plan of land and Conditional Use Permit for Orchard Street Realty Investments, LLC, Assessor's Map 16, Lots 32, 34, & 36A, zoned UMUD, located at 38 Mill Street (P06-62)**, would not be heard and will remain on the table until the first meeting in March.

### 1. Citizens' Forum

There were no speakers

### 2. Approval of minutes

Don Andolina made the motion to approve the minutes.

Dean Trefethen seconded.

**VOTE U/A**

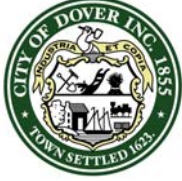
### 3. New Business

- A. Public Hearing to hear comments on the City's proposed Capital Improvements Program FY 2009 - FY 2014 (CIP), the CIP can be found on the City's Web Site [www.ci.dover.nh.us](http://www.ci.dover.nh.us).**

The public hearing was opened.

There were no comments.

The public hearing was closed.



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Ron Cole commented on Mr. Dunn's concerns (See the minutes of the workshop prior to this meeting.) and said that he appreciates them. He said that Christopher Parker has served on the Willand Pond Committee and he is sure the funds will all shake out in the end.

Ron Cole explained that the Board sits as an advisory committee to the City Council with regards to the CIP. The Board generally looks at the items relating to the Master Plan. This particular City Council will really be counting the pennies.

Donald Andolina made the motion to approve the CIP as presented and recommend it to the City Council.

Tony McManus seconded.

**VOTE U/A**

### **B. Consideration and acceptance of a Conditional Use Permit for Debra W. Ford, Assessor's Map 7, Lot 1, zoned R-20 located at 3 Boston Harbor Rd. (P08-03)**

Debora Ford, explained that 20 feet of her sea wall collapsed. She said that she got an emergency permit through the State of NH. The contractor repaired the 20 foot portion that collapsed. A portion of the wall needs to be buttressed with riprap. She is looking for approval for the Conditional Use Permit.

Perry Plummer asked if she was only replacing the portion that failed and not increasing the length.

Debora Ford answered that is correct.

Marcia Colbath said that this came before the Conservation Commission. If you look at the minutes to the 2004 meeting they are doing exactly what the Conservation Commission recommended they do in 2004 to prevent the wall from failing.

Frank Torr made the motion to accept the application.

Doug Steele seconded.

**VOTE U/A**

The public hearing was opened.

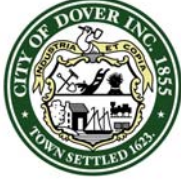
There were no comments.

The public hearing was closed.

Tony McManus made the motion to approve subject to the following condition:

1. The applicant shall provide the Planning Department with a copy of the NH Department of Environmental Services Wetlands Permit.

Linda Merullo seconded.



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### VOTE U/A

#### **C. Consideration and acceptance of a minor lot line adjustment of land for the Estate of William D. Gillis c/o William Gillis, Assessor’s Map 10, Lots 107 & 108, zoned RM-10, located on Lexington Street.\*(P08-04)**

Kevin McEneaney represented the applicant and explained that the plan is a simple lot line adjustment. One lot is vacant and nonconforming in frontage. The adjacent lot #108 has a house on it. This is an RM-10 zone and the minimum frontage is 80 feet. They are proposing to add two feet from lot #108, which is well in excess of the 80 feet, and add it to lot #107, making it conforming. The total area to be added is 84 sq. ft. On the bottom of the plan there is a note that says that lot #107 comes under the non-conforming setback regulations. Kevin said that it could be made a condition to remove that note.

Tony McManus made the motion to accept the application.  
Linda Merullo seconded.

### VOTE U/A

The public hearing was opened.  
There were no comments.  
The public hearing was closed.

Doug Steele made the motion to approve with the following conditions:

1. Add the owners’ signatures to the plat.
2. Provide the Planning Department with a digital version of the plat.
3. The applicant shall add two GIS points to the plat.
4. The applicant shall revise the plat to remove the asterisk to Note 3.

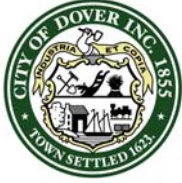
Perry Plummer seconded.

### VOTE U/A

#### **D. Consideration and acceptance of a site review of land and Conditional Use Permit for KAB Realty Management, LLC, (Owners: Jeannine & Monique Gagnon, Anne Marie Booth, Y & R Gagnon) zoned RM-8, Assessor’s Map E, Lot 66, located at 46 Whittier Street.\*(P07-64)(62 units)**

Tony McManus stepped down because he had a conversation with members of the family in the past concerning this project.

Bob Stowell, Tritech Engineering, represented the applicants. The property is on the northerly side of Whittier Street and is bordered by the Cochecho River, Addison Place and the Spaulding Turnpike. It is in a RM-8, multi-family zone. The RM-8 zone requires 4,000 sq. ft. of land per dwelling unit. The lot



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is almost 8 acres. The wetlands did take away 22 units of density from the overall property density. There is a Conservation District, 100 feet from the Cochecho River. There are steep slopes in excess of the 20% and there is a small stream that runs through the property. They are in the Wetland Overlay District where they have a significant amount of wetlands and a 50 foot wetlands setback associated with that. They have focused on a bit over 2 acres of land. Several designs were worked on with Planning. They have gone to Conservation Commission and went back to the drawing board again. They are asking for a Conditional Use Permit because of all the overlay districts and a 4,500 sq. ft. impact to a wetland setback. A parking area with a turn around and a couple of parking spaces are within 50 ft. of the wetland. The Conservation Commission asked to take part in the site walk prior to preparing their recommendations for the Conditional Use Permit. City water and sewer has to be extended to the property. Gravity sewer was an issue at TRC and they have made some changes. One outstanding issue with Engineering is to review the pump station at Hampshire Circle to be sure there is capacity, and to modify as necessary. That work is in progress. Engineering asked about deeding some land for the future for a slight realignment of the Whittier St. Bridge. They anticipate shifting it slightly to the north. The owners are agreeable to that. This project falls within the Shoreland Protection District and the 250 foot boundary line is shown on the plan. As of April 1<sup>st</sup>, the project will require a permit for the Shoreland Protection District and a disturbance of terrain from the State, which has been filed for. There are ongoing discussions regarding a sidewalk. The existing sidewalk terminates at Hampshire Circle. On the other side of the bridge, it terminates at Whittier Falls Rd. Mr. Stowell indicated that the lot is zoned appropriately and the uses are consistent with the surrounding properties.

At the request of Chairman Cole, Bob Stowell pointed out the 4,500 sq. ft., the 4 parking spaces and the maneuvering area for the circulation of the parking area on the plan.

Marcia Colbath asked if the impact in the buffer zone was eliminated, how many parking spaces would be lost, and how many units would it eliminate from the project.

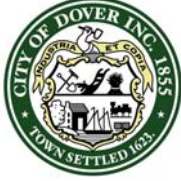
Bob Stowell stated probably 8 spaces and 4 units.

Linda Merullo asked if the units were apartments or condos.

Bob Stowell stated the 3 large buildings are garden style apartments and there are 8 townhome style buildings that are shown closest to the river, on the northerly side of the site.

Linda Merullo was concerned with the parking being so visible from the street. She is not in favor of any impact to the wetlands. She felt that the parking lot could be reconfigured so it would not be so visible from Whittier St. and not have any impact to the wetlands.

Christopher Parker stated that on page SP-2, there is also a playground that is intruding into the buffer. He said that there are no detail sheets on the playground. He asked Bob if there was any thought on what the playground would look like.



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Bob Stowell answered that they don't have a specific layout. They are not proposing a soccer field but small playground equipment. The overall recreation requirement is 100 sq. ft. per bedroom, so they need a little over 10,000 sq. ft. of recreation.

Donald Andolina asked if any of the TRC issues are major and if some have not been resolved.

Bob Stowell stated the bridge alignment, the pump station and the sidewalks are items that need more discussion. The bulk of the questions were with Engineering and were technical things that he feels will be satisfactorily addressed.

Donald Andolina asked if they had considered pervious pavement.

Bob Stowell stated that it came up at TRC and they are not adverse to pervious, but the soils next to the river are not compatible. He said that there is a clay high water table. The test pits that they have done show that pervious paving is probably not appropriate with this site.

Donald Andolina said that the Police Department identifies a lack of any overflow guest parking.

Bob Stowell stated what they have provided is two spaces per unit, which is called for per regulations. The numbers they have from the ITE Manual show for this style apartment in a suburban setting like this, they should be expecting about 1.4 cars per unit. The two per unit that is required in the regulations already takes that into consideration.

Donald Andolina asked should a point be reached that there were no parking spaces, would the occupants have to park on the street.

Bob Stowell stated that there is no parking allowed on Whittier St. They are not looking to change that. This is about as much parking as you can get on the site. The Police and Fire Departments were concerned about fire lanes. The 124 legal spaces is the max that you would get for parking.

Frank Torr asked if this plan meets the Shoreland Protection Act and the rules.

Bob Stowell felt that project would not start by April 1<sup>st</sup>. He said that there is no construction within 100 feet of the river. The only issue is that there is a threshold at 20% of impervious surface that does require that they do a deed restriction on the 50 feet along the Cochecho River. They are at 21% impervious, which would require the deed restriction. Once they do that, they would be in compliance of the proposed rule change.

Frank Torr asked about the height of the proposed retaining wall.



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Bob Stowell stated they have proposed a retaining wall in the northern most corner. It maxes out at 4 feet high. There will be a fence on the retaining wall, for safety.

Frank Torr said that he would be uncomfortable with just having minimal parking and no guest parking. The likelihood of parking in the Housing Authority parking lot would generate a problem.

Marcia Colbath asked Chris Parker to follow up on Frank's concern. How many parking spaces were approved for Addison Place? What has the history been with parking at Addison Place.

Chris Parker said that he will research it.

Marcia Colbath said the plan is an improvement from what they first saw. If the units were reduced, it could satisfy the parking problem and eliminate the encroachment in the buffers and have a viable project. At this point, they are trying to push the limit.

Chairman Cole advised that the Board is wearier of granting Conditional Use Permits as they go along.

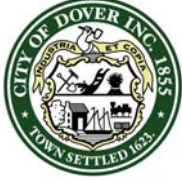
Linda Merullo said she agrees with Marcia. She feels that this project needs to be reconfigured. She doesn't want to see the parking in the front, and they are trying to get as many units in there as possible. If you did reduce the amount of apartments, it may accomplish the goal.

Bob Stowell said that he understands the concern with the wetlands. The progressive regulations that Dover has instituted has pushed the development in the appropriate direction. Five years ago they would have been talking about 5,000 sq. ft. of wetland impact. They are asking for 4,500 sq. ft. and Liberty Mutual asked for 6 acres of wetlands. He said he is not trying to minimize the importance of wetlands, but there is a balance as well.

Dean Trefethen agreed that more parking needs to be provided. He is aware of the national figures for parking. It may be that we have a high number of students but it seems that no matter what apartment complex you go, the parking lots are always full and guests have a tendency to park where they shouldn't, because there is not enough parking. He is concerned with the parking and turnaround in the buffer zone and the spaces along Whittier St. There will be a lot of visual impact and he would prefer to see some spaces eliminated and some landscaping added to soften the streetscape. He asked about the drainage and the soil conditions that make pervious pavement not the way to go.

Bob Stowell said that their focus has been on the stormwater treatment and they have specified that they are providing a high level of filtration of the stormwater before it is discharged and it gets more treatment prior to getting to the river.

Dean Trefethen asked if they are planning on taking all the water from the parking area and the roofs and directing it to this system and then discharging it towards the river, and not directly in the river.



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Bob Stowell said that it is a manmade system and then it gets another 100 feet of treatment before it hits the river.

Frank Torr asked if the traffic impact has been addressed.

Chris Parker said that they are working on it.

Dean Trefethen asked about the sidewalks and if it is their plan to fill in the gaps with sidewalks.

Bob Stowell stated that what was discussed at TRC is whether they should pick it up on their side of the road, opposite Hampshire Circle, and take it to the end of their driveway. They have not discussed going to the river. The discussion was more of which side of the road the sidewalk should be.

Dean Treafethen felt if they did the sidewalk on their side of the road, there may be a chance that COAST would want to put in a bus stop.

Christopher Parker said they are looking at COAST and the Fast Trans.

Ron Cole asked when the last time the City looked at parking spaces was.

Christopher Parker said he believes in 2002. He thinks that Addison Place came under the 1 1/2 parking spaces per unit. In 2003 the number of parking spaces was raised to 2 parking spaces per unit. He believes that Addison Place was one of the reasons why they changed the number.

Marcia Colbath made the motion to accept the application.

Perry Plummer seconded.

**VOTE U/A**

The public hearing was opened.

There were no comments.

The public hearing was recessed.

Chris Parker stated that the applicant appeared before TRC on January 17, 2008, and appeared before the Conservation Commission on January 7, and again on February 4, 2008. The Planning Department recommends that the Board accept the application, open the public hearing and recess the hearing so that a joint site walk with the Conservation Commission can be scheduled. He said that they are still working on the access parking issue, including the sidewalk concerns and the recreation component. Additionally, the staff is concerned that the building footprint that was submitted does not match the site plan.



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Bob Stowell explained that unit size has been shrunk from the footprint but the layout is identical.

### **The site walk was scheduled for March 1, 2008 at 9:00 AM**

Don Andolina made the motion to table.

Linda Merullo seconded.

**VOTE U/A**

Ron Cole asked that the 4,500 area, the playground, the buildings and the 6 corners of the parking lot be staked out.

### **1. Old Business**

- a. Discussion and possible vote on a site plan of land and Conditional Use Permit for Orchard Street Realty Investments, LLC, Assessor's Map 16, Lots 32, 34, & 36A, zoned UMUD, located at 38 Mill Street. (P06-62)(64 units)**

Was not heard at the request of the applicant.

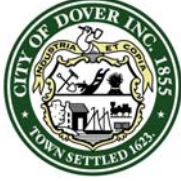
- b. Consideration of a revision of a Conditional Use Permit for Changing Places, for Tax Map G, Lots 26-12 and 26-13, for an after-the-fact Conditional Use Permit to impact approximately 600-square feet of a wetlands setback to grade for a septic system for two proposed new houses, located on Lucy Lane.**

John O'Neill, developer for the property, stated this project was approved as a sewer subdivision in 2004. Subsequently, they were not able to get the sewer connection and it was turned into a septic subdivision. At that time they submitted the septic designs, they inadvertently missed the fact that they were encroaching in the 50 foot buffer on two lots. It was discovered when they were doing an as-built. It was suggested that they ask for an amendment to the original Conditional Use Permit.

Chris Parker explained the project was originally septic and the City asked that they use sewer. He said the abutting Goldberg property was in litigation for a year which held up this project. This project couldn't wait and they went back to a septic design. The Board has previously granted a Conditional Use Permit for drainage within the wetlands buffer. Had they seen this at the time, it would have been included in the application.

Chris Parker said that he recommends the approval of the proposed amendment to the Conditional Use Permit with the following condition:

1. The applicant shall prepare a letter to send to all residents of Lucy Lane and Lucy Court whose lots contain wetlands or wetlands buffers, informing them of the city's and State's regulations for



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wetlands protection. The content of the letter shall be reviewed and approved by the Planning Department. The applicant shall provide proof that all the letters were mailed within the next 30 days.

Tony McManus felt that the letter should be a bit stronger, as it is just calling to their attention to the fact that they should be aware that there may be a problem in the future.

Chris Parker said, as John O'Neill indicated, the letter is only a sample and they will be working with John on composing the letter.

Tony McManus said that it should say they are limited or prohibited pursuant to the regulations from further encroachment.

Tony McManus made the motion to approve the request for the amendment to the Conditional Use Permit.

Donald Andolina seconded.

**VOTE U/A**

Christopher Parker stated that there is a letter on the desks from Tritech Engineering regarding Elliott Rose.

Bob Stowell explained that they inadvertently forgot to get a memo to Chris Parker on the Bill Dube Site Plan and the 90 day extension is up, today. The issue with that are the State approvals with the overall Elliott Rose project. They have a meeting with many of the departments from NH DES on Friday. They see very favorable results on getting that wrapped up. They do need a little more time to effectuate all that.

Tony McManus asked if this extension related solely to the Bill Dube portion of the project.

Bob Stowell answered that it did.

Frank Torr made the motion to grant a 90 day extension to the project.

Perry Plummer abstained.

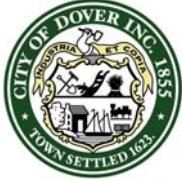
**VOTE U/A**

**Abstained – Ron Cole**

### **5. Community Reports.**

### **6. Staff Communications.**

Chris Parker stated the Shoreland Protection Act is in place and being amended for April 1<sup>st</sup>. One thing that does not change in the April 1<sup>st</sup> deadline is the ability for municipalities to identify areas that it



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wishes to be exempt. It's called the Urban Exemption. They would like to exempt, on the staff level, the area between the Chestnut Street Parking Lot, the railroad bridge that the DownEaster travels over, south along the Cochecho River, 250 ft on either side, under the mill and continuing to the Maglaras Park property. There is a resolution on the City Council Agenda tomorrow night speaking to that. He said he would like to have the Planning Board take a vote in support of that Urban Exemption. One of the things that they look to do in the Land Use Master Plan is to promote downtown infill development. We recognize that the downtown has a history of building right up to the river. The tree cover, the impervious surface cover, nothing could be met today and we look to things like the parking lot along First St., the parking lot on Chestnut St., or the area of the former Shop & Save development. Those areas would be prime redevelopment at some point in the future and we would like to promote that they are on the river and would be ideal areas. He thinks that this urban exemption is very much in the City's economic favor. He is hoping that the Board would support this process and encourage the Council to allow the staff to go along with this process.

Frank Torr asked if it should have gone further up the river to the old railroad bridge where it will be considered part of the trail system.

Chris Parker said that it does. He said that essentially we are going up to the Fourth Street Bridge.

Dean Trefethen said that he would be abstaining from this vote.

Frank Torr made the motion that the Planning Board supports and recommends to the City Council to allow the staff to apply for the Urban Exemption of the Shoreland Protection Act.

Marcia Colbath seconded.

Tony McManus thought he was in favor of it but it seems to him that the Board should have had more information on this before tonight and have the opportunity to discuss the overall impact from a planning perspective. It strikes him as a good idea.

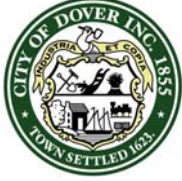
Frank Torr said that the key element is if you have a lot of development within those areas, there would be applications for each one. The state is recommending this for all communities. It is saving on their end and on the City's end and the constituents within the City.

Chris Parker explained they chose the comprehensive look and identified those areas that would be coming in on a case by case basis.

Tony McManus said that this ties into the economic initiative that is now available to downtown development. The Board should make that part of a package that goes to the Council. Chris' wording is fine.

**VOTE U/A**

**Abstained – Dean Trefethen**



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Christopher Parker said regarding the e-mail memo he did on the Mill Street project that he was looking at areas that could be refined. He would like to start doing this type of memo for the larger projects that would have a lot of impact. He asked for some feedback from the Board such as, was it helpful and were there categories that could be added.

Linda Merullo said it was great and contained a ton of information.

Frank Torr stated that he echoes Linda's comments and felt it contained a wealth of information.

Donald Andolina said that he fully supports it.

Chris Parker said that there is the opportunity to create City e-mail addresses for those that don't already have it. He asked if any member would like a City e-mail address to eliminate having to use personal e-mail. This is a situation that is a bit different with the Planning Board because the members should not be discussing things by e-mail. He wanted to put it out there to see if anyone has the desire. He said that it should be everyone should have it, or nobody should have it. If the Board wants it, it can be set up.

Linda Merullo said that she thinks it's great. She said that everyone would be able to see the e-mail. If people ask about a specific project and we are not allowed to speak about it, how would we handle that?

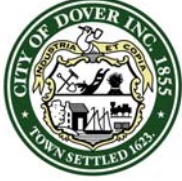
Christopher Parker said that you should respond to the person saying that this needs to be discussed in a public format and then forward it to the Chair. Not responding per se, but encouraging the person to be part of the public dialogue. He isn't aware of how much e-mail the Board is getting but it does allow for separation of person e-mail. Again he wanted to throw out the opportunity to the Board.

Dean Trefethen said that the City Attorney has offered to come in to do a workshop to advise the Board on the dos and don'ts of City e-mail and the right-to-know. If we are going to move in that direction, he suggested that the City Attorney come in and do that.

Donald Andolina said he is not sure where the benefits are. He asked how it would be handled any differently than the communication that goes on now. If it is not 100% of the Board, it would not work.

Chris Parker said that it would allow the members to go on line and check their e-mail. He said that it might be beneficial in sending the Planning Board memo electronically. This is one of the Boards where it is not as beneficial as it would be to other boards.

Linda Merullo said that the e-mail should be the same as the City Council. The e-mail would be public and would have some sort of notebook. Everything in the e-mail would be open. That's the way it should be. She doesn't have a problem with that.



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Ron Cole asked the Board members to copy him with any communications.

Marcia Colbath said, as chair of the open Land Committee, she already has a City e-mail account. She uses it extensively, mainly when she is communicating with other State agencies. She could use some help in using all the benefits that it has, such as storing. It comes in very handy.

### 7. Adjournment

Donald Andolina made the motion to adjourn.

Linda Merullo seconded.

**VOTE U/A**